

PLANNING AND ZONING BOARD
APRIL 26, 2000

1. ROLL CALL

The meeting was called to order at 7:38 p.m. Board members present were Chair George Greb, Vice-Chair Michael Davenport, and Lawrence Davis. Also present were Interim Town Attorney Monroe Kiar, Development Services Director Mark Kutney, Planning and Zoning Manager Jeff Katims, Planner II Jason Eppy, Planner II Marcie Oppenheimer Nolan, and Board Secretary Alina Medina recording the meeting. Jay Stahl was not present.

2. SUBDIVISION PLAT

2.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (Griffin Corridor District) (tabled from April 12, 2000)

The petitioner was not present. Mr. Eppy stated that negotiations were on-going with regard to the master planning of the site. He asked that the Board table this item to May 10, 2000.

Vice-Chair Davenport made a motion, seconded by Mr. Davis, tabling this item to May 10, 2000. In a voice vote, with Mr. Stahl being absent, all voted in favor. **(Motion carried 3-0)**

3. PUBLIC HEARING

Vacation/Abandonment

3.1 VA 3-1-00, ROHO - Flamingo, Ltd., 12451 Orange Drive (B-3)

Howard Zimmerman, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: approval subject to conditions as outlined in the planning report).

Mr. Zimmerman explained that this vacation affected the right-of-way that went around the old house on the property. He indicated that a new easement would be provided along the Flamingo Road/Orange Drive right-of-way.

Chair Greb asked if anyone wished to speak for or against the vacation/abandonment. As no one spoke, the public hearing was closed.

Vice-Chair Davenport made a motion, seconded by Mr. Davis, to recommend approval subject to the planning report. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, yes; and Mr. Stahl, absent. **(Motion carried 3-0)**

Rezoning

3.2 ZB 3-2-00, Synalovski Gutierrez Architects, Inc./Jaffe at 595, Inc., 10200 State Road 84 (from A-1 to B-3)

Manny Synalovski and Andrew Sebo, representing the petitioner, were present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: approval subject to conditions as outlined in the planning report).

Mr. Davenport asked if the petitioner had any specific uses in mind. Mr. Synalovski replied that the petitioner did not have specific tenants in mind and explained that the uses would be worked out as part of the function of parking availability. He indicated that the plat called for a 24,000 square foot building; however, he believed that if medical services were provided, the square footage would probably be reduced to meet parking requirements. Mr. Synalovski assured the Board that the petitioner had no intention of allowing any use that would cause a deficiency in parking.

Mr. Davis stated that the planning report identified that there was a deficiency in the traffic analysis, such as a lack of data and analysis for stacking and intersection cuing. He questioned how the traffic analysis had been prepared. Mr. Sebo replied that the traffic analysis had actually been prepared in combination with the traffic arising from the abutting tire store and day care center. He added that stacking and intersection cuing were included. Mr. Sebo indicated, however, that the traffic analysis made the assumption that signalization would be in place on SW 13 Street. Lengthy discussion followed concerning the formula used to prepare the equations for the final report. Mr. Davis asked if any part of the analysis worked under the assumption that no signalization would be provided. Mr. Sebo replied negatively. Mr. Davis asked if the Town was not going to provide the signalization, why was this assumption made by the petitioner. Mr. Sebo replied that the analysis estimated that at the time of build-out, signalization would be required. Mr. Eppy stated that signalization on this roadway would be managed by Broward County as part of a mitigation action. Mr. Davis asked if the developer that triggered the need for the signalization would be responsible for the improvements. Mr. Eppy replied affirmatively.

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Chair Greb asked if anyone wished to speak for or against the rezoning. As no one spoke, the public hearing was closed.

Vice-Chair Davenport made a motion to recommend approval subject to the planning report. Chair Greb passed the gavel and seconded the motion. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, yes; and Mr. Stahl, absent. **(Motion carried 3-0)**

Variances

3.3 V 3-2-00, A-1 Pride, Inc., 6331 SW 41 Court (B-2)

Randy Roero, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: approval).

Vice-Chair Davenport asked what type of improvements were planned for the site. Mr. Roero stated that the petitioner intended to provide a western front and landscaping, as well as improving the overall aesthetic of the building.

Chair Greb asked if anyone wished to speak for or against the variance. As no one spoke, the public hearing was closed.

Mr. Davis asked if the landscape buffer was governed by requirements for open spaces. Mr. Eppy replied that the Code provided for a specific requirement for landscaping buffers. He indicated that in the event of a variance request, a landscape buffer could be considered under the Landscaping Section under the Development Code.

Vice-Chair Davenport made a motion, seconded by Mr. Davis, to recommend approval. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, yes; and Mr. Stahl, absent. **(Motion carried 3-0)**

3.4 V 3-3-00, Macintosh, 1720 SW 116 Avenue (R-1)

Gary Macintosh, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: approval).

Mr. Macintosh provided seven photographs for the Board's review and indicated that he had a letter from the property owner to the north who had no objections to the variance request.

Chair Greb asked if the higher elevation was being requested for the barn only or if the petitioner intended to raise the elevation of the entire property. Mr. Macintosh replied that the elevation was only being raised for the barn.

Vice-Chair Davenport expressed concern that if the petitioner raised his property, other properties would have to bare the additional drainage from his property. Mr. Macintosh stated that he was aware that his property had to retain the drainage from his property. He indicated, too, that since the surrounding developments had been constructed at a higher elevation, the South Florida Water Management District had advised that the County was in the process of providing additional drainage in the area.

Vice-Chair Davenport stated that his main concern was that while the County could provide additional drainage in the area, the higher elevation on the subject site could adversely affect neighboring properties.

At Mr. Davis' request, Mr. Eppy explained how staff calculated the height of a structure.

Chair Greb asked if anyone wished to speak for or against the variance. As no one spoke, the public hearing was closed.

Vice-Chair Davenport made a motion, seconded by Mr. Davis, to recommend approval. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, yes; and Mr. Stahl, absent. **(Motion carried 3-0)**

3.5 V 3-4-00, Cornelius, 14120 SW 24 Street (R-1)

Frank Cornelius, representing the petitioner, was present. Mr. Eppy read the planning report (Planning and Zoning Division recommendation: denial).

Mr. Cornelius described the improvements he was proposing and indicated that none of his neighbors had objected to the variance request. He asked that the Board vote favorably on the application.

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Mr. Davis asked if an engineering firm had reviewed the proposed plans and, if so, had all other options been eliminated. Mr. Cornelius replied affirmatively.

Chair Greb asked if anyone wished to speak for or against the variance. As no one spoke, the public hearing was closed.

Mr. Davis expressed concern that this structure could be converted to a barn in the future. Mr. Cornelius explained that the structure would have a concrete slab and assured the Board that it was not his intention to convert this structure into a barn.

Vice-Chair Davenport believed this was a self-imposed hardship. Mr. Cornelius understood Vice-Chair Davenport's concern, but indicated that regardless of whether he could construct the carport, the camper would be stored on the property.

Chair Greb stated that the proposed structure was comparable to, if not more conservative than similar structures within the neighborhood. He reminded the Board that the setback requirements for this area had originally been five feet; however, during a recent Code amendment, the setback had been increased to 40 feet.

Mr. Davis reiterated his concern that the carport would be converted into a barn. Mr. Eppy stated that the variance would only be valid for a carport and, if a conversion of the structure was made, the variance would be voided. Some discussion followed.

Vice-Chair Davenport made a motion to recommend approval of the application as presented and the petitioner ensuring that only a carport with a utility room would be developed. Chair Greb passed the gavel and seconded the motion. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, no; and Mr. Stahl, absent. **(Motion carried 2-1)**

Chair Greb questioned if the motion passed with a 2-1 vote. Ms. Medina replied affirmatively, stating that the Board had a majority vote with a quorum being present. Mr. Kutney was unsure that the motion would pass, believing that a majority of the Board needed to vote in favor of a motion for it to pass. Ms. Medina reminded the Board that it followed Robert's Rules of Order and that no Town ordinance provided a minimum voting requirement for this Board.

A recess was taken at 8:39 p.m. The meeting reconvened at 8:42 p.m.

Mr. Kiar opined that the motion did not pass and read Section 7(H) (The council, mayor and legislation, Council and Board Procedure and Quorum) of the Charter into the record. He added that the vote, as presented, would automatically table this issue to the next meeting.

Chair Greb asked if the Board wanted to present another motion on this item.

Mr. Davis asked if the petitioner had considered any additional landscaping along the three open sides of the carport. He understood that other properties in the area had smaller setbacks due to being grandfathered in to the old Code, but felt that the integrity of the existing Code needed to be maintained. Mr. Cornelius replied that the property was heavily landscaped on the west and back sides of the property. He indicated that the only portion of the property that was not landscaped was the east side. Mr. Cornelius stated that he had no objections to providing landscaping on the east side of his property.

Ms. Medina asked that if the Board was going to continue discussing this item, a motion be made to reconsider this variance request.

Mr. Davis made a motion, seconded by Mr. Davenport, to reconsider this item [item 3.5]. In a voice vote, with Mr. Stahl being absent, all voted in favor. **(Motion carried 3-0)**

Vice-Chair Davenport made a motion, seconded by Mr. Davis, to recommend approval of the application as submitted subject to the applicant having the structure maintained as a carport and utility room only and with landscaping being added to the south, west, and east sides. In a roll call vote, the vote was as follows: Chair Greb, yes; Vice-Chair Davenport, yes; Mr. Davis, yes; and Mr. Stahl, absent. **(Motion carried 3-0)**

4. OLD BUSINESS

There was no old business discussed by the Board.

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5. NEW BUSINESS

There was no new business discussed by the Board.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions made by the Board.

7. ADJOURNMENT

There being no objections, the meeting adjourned at 8:57 p.m.

Approved: _____

Chair/Board Member